

Civil War Sites Preservation Fund Grants
Guidelines for applications, prioritization, and award of grants
SFY2015 Grants
Applications Due May 1, 2014

INTRODUCTION

As Virginia's historic preservation agency and state historic preservation office, the Department of Historic Resources (hereinafter referred to as the "Department" or "DHR") is charged to "encourage, stimulate, and support the identification, evaluation, protection, preservation, and rehabilitation of the Commonwealth's significant historic, architectural, archaeological, and cultural resources" and to "foster a greater appreciation of these resources among the citizens of the Commonwealth...." In recognition of the 150th anniversary of the American Civil War and a renewed focus on the educational and tourism benefits associated with Virginia's Civil War battlefields, the Department has been charged with administration of a program to facilitate public-private partnerships to preserve these rapidly disappearing battlefield properties. This includes the purchase of battlefield lands, and interest in such lands, which will result in the private ownership, preservation, and management of said lands by private entities in conjunction with perpetual easements that will protect the public benefit and interests of the Commonwealth.

Toward that end, and in accordance with the authority and guidance established in § 10.1-2202 and 2202.4 of the Code of Virginia, the Department has established the following guidelines and criteria for the award and administration of grants made through Virginia's Civil War Sites Preservation Fund (hereinafter referred to as the "Fund" or "CWSPF").

Moneys in the Fund (up to \$2 million in General Funds subject to final appropriations) shall be used by the Department solely for the purpose of protecting Civil War sites through acquisition of lands and interest in lands (easements) by means of grants to private nonprofit organizations (hereinafter referred to as "organizations") to match federal and other public and private funds.

All such grants shall be made solely for the fee simple purchase of, or purchase of protective easements on, any Virginia Civil War historic site listed in the "Report on the Nation's Civil War Battlefields," issued in 1993 by the Civil War Sites Advisory Commission, or as amended or reissued pursuant to the Civil War Battlefield Protection Act of 2002 (P.L. 107-359) and as amended or supplemented by new information by the National Park Service's American Battlefield Protection Program.

Grants will be evaluated on the eligibility of the organization and the project as defined in §10.1-2202.4 of the Code of Virginia, and in accordance with eligibility, selection, administrative and funding requirements, and application requirements stated in the grant announcement. Project applications shall include documentation providing proof of tax-exempt status under §501 (c) (3) of the United States Internal Revenue Code and that the applicant meets the holder requirements as described in §10.1-1009 through §10.1-1017 of the Code of Virginia. National organizations must document that they are registered and in good standing with the State Corporation Commission. All applicants must document that they are currently registered with the Virginia Department of Agriculture and Consumer Affairs pursuant to Virginia's Charitable Solicitation of Contributions Law, §§ 57-48 through 57-69 of the Code of Virginia.

Applications that meet all eligibility, administrative, funding, and application criteria will be evaluated and ranked in accordance with the "Evaluation Criteria" given below and in the grant announcement. Applications that do not meet these criteria will not be considered.

The Department reserves the right to make awards less than the amounts requested when total requests exceed available funds and/or to achieve the maximum benefit for the use of public funds.

PROJECT COMPLETION DEADLINE

The Department anticipates that funds available for 2014-15 grants will be awarded in June or July 2014. Unless other arrangements are made with the Department, all projects awarded funds in this call for proposals are expected to be completed by March 16, 2015 and all required final documentation and payment requests received by the Department by June 1, 2015. Applicants must demonstrate that they have the necessary funding and administrative resources to complete the acquisition by the deadline. Awards will not be made for projects that cannot demonstrate with a high degree of certainty that they will be completed by this date. If a project is not completed by March 16, 2015 without an alternate schedule approved by DHR, those funds may be subject to release in order to be re-awarded for a different project.

ELIGIBLE ORGANIZATIONS

Private nonprofit organizations with 501(c) (3) status may apply. Such organizations must be able to demonstrate they have the mission and capacity to carry out land management and conservation responsibilities consistent with the public goals and benefits of this program.

ELIGIBLE PROJECTS

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GENERAL REQUIREMENTS

Match Requirements: Organizations seeking grant funding from the Fund shall be required to provide at least \$1 in matching funds for each \$1 received from the Fund for the proposed project. As used herein, the term "matching funds" shall include both cash and the value of any contribution due to a bargain sale or the donation of land or interest therein made by the landowner as part of the proposed project. No state funds may be included in determining the amount of the match.

Applicants must demonstrate that they have appropriate match from eligible sources. A bank statement and certification from the applicant organization's president or executive director may be used to meet this requirement. Such statement and/or certification should specify the source of the funds to ensure that no state funds are used as part of the match.

Eligible Costs: Eligible costs for which moneys from the Fund may be allocated include 1) acquisition of land and any improvements thereon (collectively referred to herein as "land") or 2) permanent protective easements, and/or 3) costs associated with such acquisitions, including the cost of appraisals, environmental reports, any survey, title searches and title insurance, and other closing costs. Grants from the Fund shall not exceed 50 percent of the appraised value of the land or permanent protective easement for which the grant is sought.

Prospective and Prior Purchase Eligibility: Grants may be awarded for prospective purchases or for acquisitions on which the applicant has already closed. In the case of the latter, the applicant must demonstrate:

- The closing occurred on or after April 30, 2013 (i.e. no more than 12 months prior to the deadline for application for this grant);
- A specific, identifiable threat to the resource or compelling preservation need existed at the time of the purchase; and
- The land is not currently protected by public ownership or a permanent protective interest in the land.

Applications for prospective purchases will be given priority over those for acquisitions that have already closed.

Perpetual Easement Required: Any eligible organization making an acquisition of land or interest therein pursuant to this section shall grant to the Commonwealth a perpetual easement placing restrictions on the use or development of the land as a condition for the use of public funds. In cases where the easement is granted to a state agency other than the Department, all terms and conditions of the easement shall be reviewed by and found by the Department to (i) be consistent with the intent and purpose of the Virginia Conservation Easement Act (§ [10.1-1009](#) et seq.) and (ii) accomplish the perpetual preservation of the Civil War historic site. Such other agency shall demonstrate to the Department that it has the capacity and expertise to manage and enforce the terms of the easement. Nothing in this section shall preclude the subsequent transfer of property acquired pursuant to this section to the United States government, its agencies and instrumentalities, subject to perpetual conservation provisions consistent with this section. Applicants who intend to acquire perpetual conservation easements must submit proposed terms and conditions to the Department for approval as part of the application. Easements on lands purchased in fee simple using CWSPF grants shall be recorded within 6 months of land acquisition or the recipient risks being required to return the grant funds awarded. Fee simple interests acquired through this grant may not be subsequently sold by the applicant before the land is protected by a perpetual conservation easement whose terms and conditions have been approved by the Department.

Compliance with State and Local Plans: Applicants must demonstrate that open space use of the property to be acquired and/or placed under easement conforms to the comprehensive plan for the locality or localities in which the property is located in accordance with §10.1-1701 of the Code of Virginia. The application should document the current zoning of the property, its designation on the locality's future land use map, as well as its consistency with the VDOT six-year statewide transportation plan and the Virginia Outdoors Plan. If there are conflicts with the local comprehensive plan or zoning, then documentation from the locality allowing this use must be provided.

Appraisal Required: Prior to the expenditure of grant funds, a current appraisal must be obtained. This appraisal must have an effective date within 180 calendar days of the signing of the contract to purchase the property. The appraisal must be completed by a professional appraiser licensed and certified in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), as amended. A copy of the appraisal must be submitted to the Department for review to support the proposed acquisition cost.

Willing Seller: Applicants must demonstrate that the owner of the property is willing to sell the land or perpetual easement to the applicant. If the applicant does not have a contract of sale or contingent contract of sale, a letter from the property owner indicating his or her willingness to enter into such a contract must be supplied.

Management Plans/Capacity: Applicants who intend to acquire fee simple interests must demonstrate that they have realistic plans and the organizational and financial capacity to ensure appropriate treatment and ongoing management of the land once the sale is complete.

EVALUATION CRITERIA

In addition to the basic requirements cited elsewhere in this document, each proposal will be evaluated and prioritized based on the following criteria:

Basic criteria that must be met prior to evaluation/ranking:

- Location of the proposed project in relation to core and study areas;
- Financial and administrative capacity of the applicant to a) complete the project and to b) maintain and manage the property consistent with the public investment and public interests;
- Consistency with local comprehensive plan, Virginia Outdoors Plan, and state transportation plans;
- Documented threat or compelling preservation need.

Criteria used to prioritize eligible projects:

- Significance of the battlefield (based on the CWSAC Report and National Register criteria). Priority will be given to battlefields that are listed as Priority I or II, or as Class A or B sites in the CWSAC Report and the degree to which the property falls within the Core and/or Study areas of the specific battlefield;
- Proximity to other protected lands;
- Degree of threat to and integrity (degree or level of preservation) of the features associated with the battle in question;
- Additional compelling preservation and/or public benefit opportunities that the project will address;
- Plans and potential for education, recreation, research, heritage tourism promotion, or orderly community development;
- Public access;
- Special priority will be given this year to projects that protect large tracts of land;
- Proportion of match greater than 50% of project costs (bargain sale does not count toward extra consideration);
- Priority will be given to projects that protect “new lands” not already purchased; and
- Record of timely submission of progress reports to DHR and timely completion of projects by past recipients of CWSPF grants.
- Lack of encumbrances on the property such as utility easements, environmental hazards, buried tanks, etc. that may complicate implementation of a battlefield easement.

The following types of projects/costs are not eligible:

- Land/property that is in public ownership and protected for purposes consistent with this program cannot be acquired under this grant program;
- Indirect costs (staff time or overhead) are not eligible match;
- Acquisition projects that include costs for maintenance, operation, development, or interpretation of lands and facilities; any such cost must be excluded from the total project costs and will not be considered as match contribution; and
- Projects in which the entire match is through “bargain sale” or donation of land value.

APPLICATIONS

All applications must be submitted on the DHR Application Form and include the following:

- A cover sheet providing the name and address of the applicant organization and contact information for a specific individual designated as the project contact;

- A narrative project summary that describes the project and demonstrates how the project and/or applicant meets all general program and administrative criteria outlined above as required for funding.
 - This summary must address the project in sufficient detail to apply all evaluation criteria—including verification of listing as Priority I or II, or as Class A or B sites in the CWSAC Report and the degree to which all or parts of the parcel are within the core or study areas of the battle in accordance with the CWSAC Report as well as documenting specific threats, public benefits, etc. for this particular parcel/project.
 - The narrative should include any special and compelling preservation consideration (such as filling in the last gap protecting the entire battlefield or an otherwise unique opportunity provided by this particular project);
- IRS letter verifying the applicant's 501(c)(3) status;
- IRS W-9 form;
- Verification of registration as charitable organization for solicitation of contributions with the Virginia Department of Agriculture and Consumer Services;
- In the case of national organizations or those registered in other states, verification that the applicant is registered and in good standing with the State Corporation Commission;
- A 7.5 minute USGS quadrangle map (color copy or electronic/GIS version acceptable) **clearly** marked with the following information:
 - The boundaries of the land for which a grant is sought;
 - The boundaries of the “core” and/or “study” areas of the battlefield, as defined by the CWSAC shown in a way that clearly show the relationship of the project to those areas;
 - Other nearby protected parcels, if applicable;
- A statement indicating whether the acquisition is to be fee simple or an easement, and one of the following (consistent with the type of project for which funding is sought):
 - Evidence of the applicant's financial and administrative capacity to manage the land following acquisition of fee simple (the applicant's most recent audited financial statements, if available, are recommended); or
 - Draft easement with the proposed terms and conditions for which funding is sought (for easement projects);
 - Completed copy of DHR Easement Application Form.
- A contract of sale, contingent contract of sale, or letter from the property owner indicating willingness to sell the land or perpetual conservation easement to the applicant (or verification of the date on which the applicant closed on the sale of the property);
- Verification of eligible matching funds;
- A valid appraisal of the value of the land or easement;
- A statement defining the threat to the battlefield and the impact of this threat on the parcel for which the grant is sought.
- A statement describing in detail any other public interests which will be served by preservation of this parcel.

APPLICATION DEADLINE Applications must be received by the Department of Historic Resources in digital form by 5:00 pm on May 1, 2014 in order to receive consideration in the first round of awards.

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